

**FEDERAL ELECTION COMMISSION**  
999 E Street, N.W.  
Washington, D.C. 20463

MAY 25 2000  
RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2000 MAY 25 A 9:48

**FIRST GENERAL COUNSEL'S REPORT**

**SENSITIVE**

Audit Referral: 99-25  
Audit Referral Date: December 27, 1999  
Date Activated: April 10, 2000

Expiration of Statute of  
Limitations: August 19, 2003<sup>1</sup>  
Staff Member: Delbert K. Rigsby

**SOURCE:** AUDIT REFERRAL

**RESPONDENTS:** Friends of Corrine Brown and  
Gloria Simmons, as treasurer

**RELEVANT STATUTE:** 2 U.S.C. § 434(a)(6)(A)

**INTERNAL REPORTS CHECKED:** Audit Documents  
Disclosure Reports

**FEDERAL AGENCIES CHECKED:** None

**I. GENERATION OF MATTER**

This matter was generated by an audit of Friends of Corrine Brown (the "Committee") and Gloria Simmons, as treasurer, undertaken in accordance with 2 U.S.C. § 438(b). *See* Attachments 1 and 2. The audit covered the period between January 1, 1997 and December 31, 1998.

---

<sup>1</sup> The statute of limitations date for the earliest violation for failure to file a 48-hour notice is August 19, 2003 for contributions received on August 17, 1998 that the Committee should have filed a 48-hour notice no later than August 19, 1998. The statute of limitations date for the last violation for failure to file a 48-hour notice is October 31, 2003.

## II. FACTUAL AND LEGAL ANALYSIS

The Audit staff found that the Committee failed to file 48-hour notices on four contributions totaling \$7,500 during the primary election and on 23 contributions totaling \$33,500 during the general election as required by 2 U.S.C. § 434(a)(6)(A).<sup>2</sup> Attachments 1 and 2. Thus, based on the audit referral and schedules of contributions, Attachments 1 and 2, this Office recommends that the Commission find reason to believe that the Committee violated 2 U.S.C. § 434(a)(6)(A).

## III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

This Office also recommends that the Commission enter into conciliation with Friends of Corrine Brown and Gloria Simmons, as treasurer, prior to a finding of probable cause to believe. See Attachment 4.

---

<sup>2</sup> In MUR 4160, the Commission found probable cause to believe that Friends of Corrine Brown violated 2 U.S.C. § 434(a)(6)(A) by failing to file 48-hour notices on 45 contributions totaling \$80,870 during the 1992 election cycle, and declined to take further action against Friends of Corrine Brown for those violations.

**IV. RECOMMENDATIONS**

1. Open a MUR;
2. Find reason to believe that Friends of Corrine Brown and Gloria Simmons, as treasurer, failed to file 48-hour notices in violation of 2 U.S.C. § 434(a)(6)(A);
3. Approve the attached Factual and Legal Analysis;
4. Approve the attached Proposed Conciliation Agreement; and
5. Approve the appropriate letter.

Lawrence M. Noble  
General Counsel

5/25/00  
Date

BY: Kim Leslie Bright  
Kim Leslie Bright  
Associate General Counsel

**Attachments**

1. Audit Referral Materials
2. Audit Schedule of Contributions
3. Factual and Legal Analysis
4. Proposed Conciliation Agreement

Pre Primary

FOCB 48 HOUR REVIEW  
Pre-Primary (8/13-8/29/98)

Auto Number	Last Name	First Name	Deposit Date	Amount	Contributor Check#
1	Philip Morris Companies, Inc PAC		08/17/1998	\$ 1,000.00	2317
2	UAW V CAP		08/17/1998	\$ 2,500.00	20975
3	Effective Govt Cmte		08/20/1998	\$ 1,000.00	2711
4	National Ed Assn PAC		08/24/1998	\$ 3,000.00	12528
				\$ 7,500.00	
Pre-Primary Error Rate					100%

Summary: 4 checks, totaling \$7,500, should have been reported on the 48 hr notices for the pre-primary period. None of them were reported; however, they were reported on other lines

Pre Primary

Reported Line#	Filing Error	Error Amount	Doc	Comments
11c/Q3/pg	1	\$ 1,000.00	ck/dep	
11c/Q3/pg	1	\$ 2,500.00	ck/ltr/dep	
11c/pp/pg6	1	\$ 1,000.00	ck/ltr/dep	
11c/pp/pg1	1	\$ 3,000.00	ck/ltr/dep	

**FOCB 48 HOUR REVIEW**  
**Pre-General (10/15-10/31/98)**

W/P	Auto Number	Last NameFirst Name	Deposit Date	Amount	Contributo Check#	Reported Line#	Filing Error
	1	American Federation c	10/21/1998	\$ 5,000.00	5636	48/postpg4	0
	2	CWA-COPE PCC	10/21/1998	\$ 4,750.00	9693	48/postpg3	0
	3	Dukes Thomas A.	10/21/1998	\$ 1,000.00	199	48	0
	4	H. B. Zachry Co PAC	10/21/1998	\$ 1,000.00	1371	48/postpg8	0
	5	Hogan Wayne	10/21/1998	\$ 1,000.00	1194	48	0
	6	Hogan Patricia	10/21/1998	\$ 1,000.00	1196	48/post11a	0
	7	I.B.E.W.-C.O.P.E.	10/21/1998	\$ 5,000.00	10982	48/postpg3	0
	8	Laborers' Political Lea	10/21/1998	\$ 2,000.00	10155	48/postpg1	0
	9	Machinists Non_Partis	10/21/1998	\$ 3,000.00	14588	48/postpg3	0
	10	McClamm T. Edward	10/21/1998	\$ 1,000.00	2096	48/postpg7	0
	11	National Cmte for an E	10/21/1998	\$ 2,000.00	13630	48/postpg8	0
	12	Payne Pamala Gl	10/21/1998	\$ 1,000.00	2897	48/postpg4	0
	13	Rangel for the 106th C	10/21/1998	\$ 1,000.00	2873	48/postpg6	0
	14	RJR PAC	10/21/1998	\$ 1,000.00	6724	48/postpg6	0
	15	Scott for Congress	10/21/1998	\$ 1,000.00	1861	48/postpg8	0
	16	U. A. Political Educat	10/21/1998	\$ 1,000.00	4613	48/postpg2	0
	17	Wynn for Congress	10/21/1998	\$ 1,000.00	2319	48/postpg8	0
	18	ATLA PAC	10/22/1998	\$ 4,000.00	2147	48/postpg1	0
	19	International Longshor	10/22/1998	\$ 1,500.00	2596	48/postpg4	0
	20	National Assoc of Lettr	10/22/1998	\$ 2,000.00	11008	48/postpg3	0
	21	Sheet Metal Workers I	10/22/1998	\$ 5,000.00	4871	48/postpg4	0
	22	Chattin William J.	10/23/1998	\$ 1,000.00	2215	48/postpg6	0
	23	D.C. Friends of "Bill Cl	10/23/1998	\$ 1,000.00	3447	48/postpg5	0
	24	Effective Govt Cmte	10/23/1998	\$ 2,000.00	2886	48/postpg6	0
	25	Finker Lazar	10/23/1998	\$ 1,000.00	1295	48/postpg2	0
	26	Hoyer for Congress	10/23/1998	\$ 1,000.00	3505	48/postpg7	0
	27	John Lewis for Congre	10/23/1998	\$ 1,000.00	3714	48/postpg4	0
	28	Kavalieros Theodoros	10/23/1998	\$ 1,000.00	7755	48/postpg2	0
	29	Koegler Steven	10/23/1998	\$ 1,000.00	205	48/postpg5	0
	30	Koegler Steven	10/23/1998	\$ 1,000.00	206	48/postpg7	0
	31	Lone Star Fund	10/23/1998	\$ 1,000.00	1307	48/postpg7	0
	32	ALPA-PAC	10/26/1998	\$ 1,000.00	2773	48/postpg5	0
	33	Jim Oberstar U. S. Cor	10/26/1998	\$ 1,000.00	3820	postpg4/11	1
	34	20th District FL Fed P	10/29/1998	\$ 4,000.00	1052	48/postpg7	0
	35	Amalgamated Transit	10/29/1998	\$ 1,000.00	1103	postpg3/11	1
	36	Brian Frederick J	10/29/1998	\$ 1,000.00	165	postpg13/1	1
	37	Brotherhood Locomoti	10/29/1998	\$ 1,000.00	6569	postpg3/11	1
	38	Carpenters' Leg Impro	10/29/1998	\$ 2,500.00	6738	postpg3/11	1
	39	Cmte on Pol Ed, AFL-C	10/29/1998	\$ 1,000.00	1611	preGpg2/1	1
	40	Erich Jack W.	10/29/1998	\$ 1,000.00	5369	postpg13/1	1
	41	Erich Jack W.	10/29/1998	\$ 1,000.00	5370	postpg13/1	1
	42	Heflinger Jan C	10/29/1998	\$ 1,000.00	1103	postpg12/1	1
	43	Laborers' Political Lea	10/29/1998	\$ 2,000.00	10251	No	1
	44	Liberman Marianne	10/29/1998	\$ 1,000.00	848	postpg13/1	1
	45	Miller Daniel	10/29/1998	\$ 1,000.00	1180	postpg13/1	1
	46	NEMPAC	10/29/1998	\$ 1,000.00	4082	postpg12/1	1
	47	New Christophe	10/29/1998	\$ 1,000.00	2607	postpg13/1	1
	48	Picerne Robert M.	10/29/1998	\$ 1,000.00	4023	postpg13/1	1

# Pre-General

49 Picerne Robert M.	10/29/1998	\$ 1,000.00	4024 postpg13/1	1
50 Robbins David M.	10/29/1998	\$ 1,000.00	2723 postpg11/1	1
51 Transport Workers Un	10/29/1998	\$ 1,000.00	3564 postpg1/11	1
52 Transportation Pol Ed	10/29/1998	\$ 5,000.00	6599 postpg4/11	1
53 UAW V CAP	10/29/1998	\$ 4,500.00	21217 postpg2/11	1
54 Voters For Choice/Fec	10/29/1998	\$ 1,500.00	9317 postpg5/11	1
55 Walker Dwayne	10/29/1998	\$ 1,000.00	1037 postpg12/1	1
56 Walker Dwayne	10/29/1998	\$ 1,000.00	1038 postpg12/1	1

**Pre-General Total** **\$ 94,750.00**

**Pre-General Error Rate** **35%**

**23**

Note: Items

Error Amount	Doc	Comments
	0 ck/dep	
	0 ck/ltr/dep	
	0 ck/dep	self/businessman/rptd as Deloris on 11a
	0 ck/ltr/dep	
	0 ck/dep	rptd as Patricia on ln 11a
	0 ck/dep	
	0 ck/ltr/dep	
	0 ck/ltr/dep	
	0 ck/ltr/dep	
	0 ck/dep	
	0 ck/ltr/dep	
	0 ck/dep	
	0 ck/ltr/dep	
	0 ck/ltr/dep	
	0 ck/ltr/dep	
	0 ck/dep	
	0 ck/dep	
	0 ck/ltr/dep	
	0 ck/dep	
	0 ck/ltr/dep	
	0 ck/ltr/dep	
	0 ck/dep	no occ
	0 ck/dep	
	0 ck/dep	
	0 ck/dep	no noe
	0 ck/dep	
	0 ck/dep	
	0 ck/dep	
	0 ck/dep	
	0 ck/dep	signedStevenMemoSteven&KarenSisselman/need addoc/seeCk#205/48 hr rptd
	0 ck/dep	
	0 ck/dep	
\$ 1,000.00	ck/dep	
	0 ck/dep	
\$ 1,000.00	ck/dep/ltr	
\$ 1,000.00	ck/dep	no noe
\$ 1,000.00	ck/dep	
\$ 2,500.00	ck/dep	
\$ 1,000.00	ck/dep	
\$ 1,000.00	ck/dep	singedJackMemoforPam/need addoc
\$ 1,000.00	ck/dep	no noe
\$ 1,000.00	ck/dep	no occnoe
\$ 2,000.00	ck/dep	
\$ 1,000.00	ck/dep	no occnoe
\$ 1,000.00	ck/dep	no occnoe
\$ 1,000.00	ck/dep	
\$ 1,000.00	ck/dep	no noe
\$ 1,000.00	ck/dep	no occnoe



Pre-General

\$ 1,000.00	ck/dep	signedRobertMemoforGwyn/need addoc/no occnoe
\$ 1,000.00	ck/dep	no occnoe
\$ 1,000.00	ck/dep	
\$ 5,000.00	ck/dep	
\$ 4,500.00	ck/dep	
\$ 1,500.00	ck/dep	
\$ 1,000.00	ck/dep	no noe
\$ 1,000.00	ck/dep	no noe/signedDwayneMemoforEmily/rptdEmily
\$ 33,500.00		

; in this column with a 1 are errors.



**FEDERAL ELECTION COMMISSION**  
Washington, DC 20463

**MEMORANDUM**

**TO:** Office of the Commission Secretary

**FROM:** Office of General Counsel *SGM*

**DATE:** May 25, 2000

**SUBJECT:** Audit Referral 99-25-First General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of \_\_\_\_\_

Open Session \_\_\_\_\_

Closed Session \_\_\_\_\_

**CIRCULATIONS**

**SENSITIVE**  
**NON-SENSITIVE**

☒  
☐

72 Hour TALLY VOTE ☒

24 Hour TALLY VOTE ☐

24 Hour NO OBJECTION ☐

INFORMATION ☐

**DISTRIBUTION**

**COMPLIANCE** ☒

Open/Closed Letters ☐

MUR ☐

DSP ☐

**STATUS SHEETS** ☐

Enforcement ☐

Litigation ☐

PFESP ☐

**RATING SHEETS** ☐

**AUDIT MATTERS** ☐

**LITIGATION** ☐

**ADVISORY OPINIONS** ☐

**REGULATIONS** ☐

**OTHER** ☐